



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,857	07/14/2003	Amit Haller	1005-36-01 USP	7751
<div>43698 7590 01/22/2009 CENTURY IP GROUP, INC. [Main] P.O. BOX 7333 NEWPORT BEACH, CA 92658-7333</div>				
EXAMINER				
GONZALEZ, AMANCIO				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
01/22/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/619,857

Applicant(s)

HALLER ET AL.

Examiner

AMANCIO GONZALEZ

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 27, 30, and 33 recite the limitation "...the cellular network" (claim 27: lines 4, 5, 6, and 8; claim 30: lines 2; and claim 33: line 14). There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 26-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda (US PGPub 20020159406), hereafter "Fukuda," in view of Nguyen et al. (US 20020116615 A1), hereafter "Nguyen."

Consider claim 26. Fukuda discloses establishing a first connection between a mobile device (101) and a first terminal (102-104) using a short range communication protocol (Bluetooth) (see figs. 1 and 4, pars. 0001, 0004, 0044). Fukuda discloses establishing a second connection between a network (200) and the mobile (101) device using a wide range communication protocol (see figs. 1 and 4, par. 0020 lines 1-10, **par. 0044 lines 8-12: Fukuda discusses wherein external communication device 2 connects to the public communication network 30, thereby connecting the host device 4 to the public communication network 30 and Internet network 40).**

Fukuda discloses receiving a first request from the first terminal (4) over the first connection (10) to communicate with the network (20) over the second connection (10-to-20) (see fig. 4, fig. 8 step S1-1, par. 0049 lines 1-4, pars. 0097, 0099). Fukuda discloses providing the first terminal (4) with a first IP address over the first connection (10), such that the first terminal (4) is distinguishable from other terminals (fig. 1: 102, 103) capable of connecting to the mobile device (2) (see figs. 1 and 4, par. 0059). Fukuda discloses receiving data communicated over the second connection (10-to-20) from the network (20) (see fig. 4, par. 0059 lines 15-23). Fukuda discloses communicating the data to the first terminal (4) over the first connection (10), in response to determining that the data received from the network (20) is designated for the first IP address associated with the first terminal (4) (see fig. 4, par. 0060).

But Fukuda does not disclose, or explicitly refer to, discontinuing the first connection after the first terminal, in response to determining that the data has been received by the first terminal or discontinuing the second connection, in response to

determining that no terminals connected to the mobile device require access to the cellular network, wherein the above establishing, receiving, providing, communicating, and discontinuing steps are performed by a routing software executing on the mobile device, or to a virtual private network.

Nguyen, in related art, discloses discontinuing the first connection after the first terminal, in response to determining that the data has been received by the first terminal or discontinuing the second connection, in response to determining that no terminals connected to the mobile device require access to the cellular network, wherein the above establishing, receiving, providing, communicating, and discontinuing steps are performed by a routing software executing on the mobile device, including a virtual private network **(see the abstract, par. 0016 lines 1-9, par. 0017, par. 0084 lines 1-4, and par. 0137, where Nguyen discusses data download to a plurality of gaming devices that utilize a short-range communication protocol, i.e., Bluetooth, IEEE 802.11a, IEEE 802.11b, IEEE 802.11x (e.g. other IEEE 802.11 standards such as IEEE 802.11c, IEEE 802.11d, IEEE 802.11e, etc.), a wireless access point, and virtual private network VPN; see also pars. 0071 and 0072).**

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have concluded that discontinuing the first connection after the first terminal, in response to determining that the data has been received by the first terminal or discontinuing the second connection, in response to determining that no terminals connected to the mobile device require access to the cellular network, wherein the above establishing, receiving, providing, communicating, and discontinuing steps

are performed by a routing software executing on the mobile device is the description of a data download process by a device in combination with an access point to effect said data download through a public network such as the Internet implementing a virtual private network, as taught by Nguyen, for the purpose of keeping the data downloading process free from illegal access.

Claims 31 and 33 address the same subject matter as claim 26, therefore same rejection applies.

Consider claims 27, 30. Fukuda, as modified by Nguyen, teaches claims 26 and 31 respectively. Fukuda further discloses a connection request from the mobile device over the second to communicate with the cellular network (see Fukuda: par. 0104) and receiving data communicated over the second connection from the cellular network and IP connection (see Fukuda: pars. 0059, 0060); and Bryson further teaches routing procedures (see Bryson: pars. 0032, 0039-0041, 0045).

Consider claims 28 and 29. Fukuda, as modified by Nguyen, teaches claim 26. Fukuda further discloses Bluetooth protocol (see Fukuda: pars. 0001 and 0039) and Bryson further teaches IEEE 802.11 (see Bryson: abstract, pars. 0043, 0115) short range communication networks.

Consider claim 32 as amended. Fukuda as modified by Nguyen teaches claim 26; and Nguyen further discloses wherein the short range communication protocol uses HomeRF signals (see par. 0137 lines 8-14).

Response to Arguments

Applicant's arguments with respect to claims 26-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window

Randolph Building
401 Delaney Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amancio Gonzalez, whose telephone number is (571) 270-1106. The Examiner can normally be reached on Monday-Thursday from 8:00 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Charles Appiah, can be reached at (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

AG/ag

January 15, 2009

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617

